

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
MAY 28 2008  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

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VS.

Respondent .

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court need not consider any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

Petitioner raises three grounds for relief. He complains that: (1) the jury was informed of his previous arrests and convictions in violation of the state and federal rules of evidence and the prohibition against double jeopardy;<sup>1</sup> (2) he was denied effective assistance of trial counsel; and (3) the indictment was void because it included improper enhancement paragraphs. The Magistrate Judge concluded that petitioner was not entitled to any relief, recommending that his motion be denied. In his objections, petitioner abandons his third ground for relief. With respect to his second ground for relief, he fails to make any specific objection, simply restating ten numbered reasons why he believes he was rendered ineffective assistance of counsel. He devotes the majority of his objections to his first ground for relief. However, he fails to assert any specific or nonconclusory objections to the Magistrate Judge's findings and conclusions. Petitioner has failed to present anything in his objections as would cause the court to reach any

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<sup>1</sup>Petitioner argues that, although he entered into a stipulation that he had two prior convictions of driving while intoxicated, the prosecutor disclosed to the jury that he had five previous convictions for driving while intoxicated when the prosecutor read the indictment to the jury. In fact, the Magistrate Judge found, and the record before the court establishes, that the prosecutor read to the jury only two of the five allegations of jurisdictional prior convictions of driving while intoxicated.

Petitioner also argues that he was prejudiced at trial by the admission into evidence of a videotape made at the police station after his arrest, wherein the police officers noted that petitioner had eleven prior arrests and commented that petitioner would be at the police station for a while. With respect to the admission of such videotape, the Magistrate Judge found and concluded that "given the other evidence presented regarding the police officers' observations, LeBlanc's demeanor, and his performance on basic roadside sobriety tests, LeBlanc cannot show that any error in admission of the videotaped comments about his arrest history rendered his trial fundamentally unfair." Findings, Conclusions & Recommendation at 6. Petitioner has not presented anything in his objections as would cause the court to disagree with the foregoing conclusion of the Magistrate Judge.

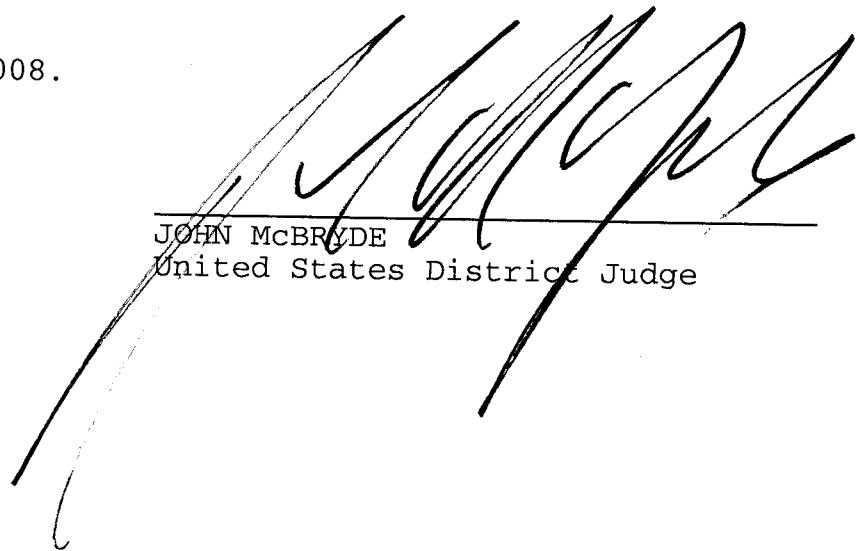
conclusions different than those of the Magistrate Judge. See Battle, 834 F.2d at 421.

Accordingly, the court accepts the findings, conclusions, and recommendation of the United States Magistrate Judge.

Therefore,

The court ORDERS that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and is hereby, denied.

SIGNED May 28, 2008.



JOHN McBRIDE  
United States District Judge